



CITY OF CLEVELAND
Mayor Justin M. Bibb

BOARD OF ZONING APPEALS
601 Lakeside Avenue, Room 516
Cleveland, Ohio 44114-1071

216.664.2580

JANUARY 22, 2024
9:30AM

Under the conditions specified by law, the Board of Zoning Appeals will be conducting a hybrid in-person and virtual hearing using the WebEx Platform. IF YOU WISH TO PARTICIPATE AND OR GIVE TESTIMONY THROUGH WEBEX, contact the Board of Zoning Appeals office and request the link at 216-664-2580 by noon on January 19, 2023. You can also email us boardofzoningappeals@clevelandohio.gov.

The in-person hearing will be held in Room 514 in City Hall. Bring proper ID to enter the building.

Those individuals not planning to attend are encouraged to view one of the live streams:

<http://www.clevelandohio.gov/CityofCleveland/Home/Government/CityAgencies/CityPlanningCommission/ZoningAppeals>

Or https://www.youtube.com/channel/UCB8qI0JrhM_pYIR1OLY68bw/

Calendar No. 23-204:

5222 Hamm Ave./Violation Notice

Ward 5

Richard Starr

Jermain Brown, owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from Notice of Violation Number V23028280 issued on October 26, 2023 by the Cleveland Department of Building and Housing for failure to comply with Section 327.02(c) of the Cleveland Codified Ordinances which states that there shall be no change, substitution or extension in the use of any building or premises until the required use permit and Certificate of Occupancy has been issued by the Division of Building and Housing. A 6 foot high solid privacy fence has been erected in the actual side street property line within 15 feet of where the driveway intersects with the public right-of-way and refuse containers are being stored on the sidewalk (Filed November 13, 2023).

Calendar No. 23-214:

855 E. 79 Street/Violation Notice

Ward 10

Anthony Hairston

Therma Holdings, LLC. owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from Notice of Violation Number V23027800 issued on October 23, 2023 by the Cleveland Department of Building and Housing for failure to comply with Section 327.02(c) of the Cleveland Codified Ordinances which states that there shall be no change, substitution or extension in the use of any building or premises until the required use permit and Certificate of Occupancy has been issued by the Division of Building and. (Filed November 22, 2023).

Calendar No. 23-215:

738 E. 117th St.

Ward 9

Kevin Conwell

Jay Rah- 1 LLC, proposes to change the use from a two-family dwelling to a three-family dwelling in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.03 which states that in a Two-Family District, a three-family dwelling is not permitted but is first permitted in a Multi-Family Residential District.
2. Section 337.03(c) which states The Board of Zoning Appeals, may grant special permit for remodeling of existing dwelling houses to provide for more than two dwelling units but more than six dwelling units provided that: (1) The square footage of lot area to be allotted to each dwelling unit is in accordance with the area regulations included in Chapter 355; (2) The dwelling units to be created will be not smaller than two (2) rooms and bathroom; (3) There will be no exterior evidence that a remodeled dwelling house is occupied by more than two families, except such as may be permitted by the Board; (4) The building when altered or erected and when occupied will conform to all the applicable provisions of the Building and Housing Codes and as the Commissioner of Building and the Commissioner of Housing so certify; (5) Garage space or hard surfaced and drained parking space will be provided upon the premises for the cars of the families to be accommodated on the premises at the rate of not less than one (1) car per family.

Calendar No. 23-217:

11310 Wade Park Ave.

Ward 9

Kevin Conwell

Case Western Reserve University, owner, proposes to change use and renovate existing historic residential building into a community engagement center AA-1 Limited One-Family. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 337.01(a)(1) which states in a Limited One Family AA1 zoning district uses are limited to one-family dwelling houses and their accessory buildings and uses. No main building or premises in a Limited One-Family District shall hereafter be erected, altered, used arranged or designed to be used, in whole or in part for other than a dwelling house occupied by not more than one (1) family.
2. Section 337.01(a)(2) which states that Limited One Family AA1 zoning district permits school buildings constructed or operated by an existing permitted school, libraries or museums and police protective facilities providing that they are not conducted as a gainful business and places of worship, if permitted by the Board of Zoning Appeals after public notice and public hearing under appropriate safeguards and such special conditions as the Board deems necessary, and if in the judgment of the Board such uses and buildings are appropriately located and designed and will meet a community need without adversely affecting the neighborhood.

Calendar No. 23-219:**13301 Miles Ave.****Ward 1****Joseph Jones**

Northeast Ohio Neighborhood Health Services, INC, proposes to install digital sign in a C2 General Retail Business and Semi-Industry split Zoning District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 350.14(h) which states that Automatic Changeable Copy Signs in Local Retail Districts: Automatic changeable copy signs shall be permitted in a Local Retail District only if the Board of Zoning Appeals grants a Variance in accordance with the following standards. (1) The Board of Zoning Appeals determines that the proposed sign will not adversely impact the character of nearby properties and will not cause disturbances to users of those properties. (2) The design and placement of the sign has been approved by the City Planning Commission or Landmarks Commission, as applicable, in accordance with the general design guidelines established for use by each Commission. (3) Each display of information shall remain static or fixed for a minimum of twenty (20) seconds, thereby prohibiting flashing, scrolling, animated or other copy that gives the appearance of motion, unless the City Planning Commission or Landmarks Commission determines that animated or more frequently changing displays can be accommodated in a particular location without causing disturbances to nearby properties.

Calendar No. 23-220:**10510 Edgewater Dr.****Ward 15****Jenny Spencer**

Judy Soderstrum, proposes to install a generator in interior side yard in an AA1 Limited One-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 357.09(b)(1) which states that a five-foot interior side yard is required in a Limited One Family AA1 zoning district; the generator is proposed within four feet of side property line.
2. Section 357.13(C) which states that a generator is not a permitted interior side yard encroachment.

Calendar No. 23-222:**1378 W. 58th St.****Ward 15****Jenny Spencer**

Goliath Holding Group, LLC, proposes to erect a second floor bedroom addition attached to existing single-family residence in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.09(b)(2) which states that the Required Interior Side Yard is 3 feet and the appellant is proposing 8 inches. The Minimum distance between dwelling on adjacent is 6 feet and the appellant is proposing 5' feet
2. Section 355.04(b) which states the Maximum Gross Floor Area shall not be greater than 50 percent of lot size; proposing 2,080sqft.

Calendar No. 23-223:

2101 West 18th St.

Ward 3

Kerry McCormack

Monroe Properties CLE, LLC, proposes to erect a 3-story frame single family residence with detached garage in a D1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.13 (b) which states that a planter box is not a permitted Side Street Yard Encroachment.
2. Section 353.06 which states that the distance of accessory garage shall not be less than 12 feet and 3 inches from neighbor's house on adjacent lot and the appellant is proposing 5 feet and 7 feet on Bradford.
3. Section 341.02(b) which states City Planning Approval is required before issuance of building permit.

Note: Traffic Engineer approval of apron is required before issuance building permit.

Calendar No. 22-224:

4308 Franklin Blvd.

Ward 3

Kerry McCormack

OH Dear Productions LLC, proposes to establish use as an inn/hotel with four guest rooms, museum, event space for cultural activities and movie screenings, and retail gift shop in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.08(b) which states that Inn/ Hotel with four guest rooms, museum, event space for cultural activities and movie screenings, and retail gift shop are all uses not permitted in a Two-Family Residential zoning district.
2. Section 347.12(a)(1) which states that amusement and recreation uses are required to be at least 500 feet from residential district; proposed uses are in residential district.
3. Section 349.04(a)(e) which states that accessory off-street parking at the rate of one space for each guest room plus one for each two employees for inn use, and a parking area equal to three times the gross floor area for assembly use; in this case 6,000 square feet are required and three accessory off-street parking spaces are provided.